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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/708,690	03/18/2004	Stephen James Sufka	148102-1	2689
23413	7590	12/30/2005	EXAMINER	
CANTOR COLBURN, LLP 55 GRIFFIN ROAD SOUTH BLOOMFIELD, CT 06002			ARBES, CARL J	
			ART UNIT	PAPER NUMBER
			3729	

DATE MAILED: 12/30/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

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Office Action Summary	Application No. 10/708,690	Applicant(s) SUFKA ET AL.	
	Examiner C. J. Arbes	Art Unit 3729	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 November 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-28 is/are pending in the application.
- 4a) Of the above claim(s) 14-28 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-13 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 18 March 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>herein</u> . | 6) <input type="checkbox"/> Other: _____ |

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Applicants Response to the Office's Restriction which was mailed on or about 19 October 2005 has been carefully reviewed but has been found not to be persuasive to the issue which was decided. That is the issue was whether the division of this Application into 2 separate and independent sets or Groups of claims was proper. The Office has held and continues to hold that the Restriction was and now continues to be proper. In view of this holding and further in view of Applicants response thereto the Restriction is herein and hereby **made Final**. Applicants therefore are required to cancel all non-elected claims or take other appropriate action.

An Office Action on the merits of Claims 1-13 follows.

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Van Den Berg (Pat No 5,685,884) hereinafter Van Den Berg (of Record). The teaching to Van Den Berg speaks for itself for everything which is stated therein. The following comments are merely provided as an complimentary aid to the reader and should not be taken as any evidence of things which are contrary to what Van Den Berg expressly and impliedly teaches. Van Den Berg teaches a method for making an encapsulated transducer which includes an injected molded encapsulation having a front end and a back end. Figure 1 shows an encapsulated transducer which may be utilized as a proximity transducer for monitoring the vibrational characteristics of a rotating shaft. (cf.

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bottom of Col. 12). Van Den Berg also teaches two ferrules which are claimed in claim 1 and these ferrules are seen or taught (Cf. elements 300 and 304) in Figure 1. Van Den Berg also teaches a sensing element (Cf. 310 in Figure 1). Van Den Berg also teaches an extension cable and the extension cable is seen (Cf. 120 in Fig 1). Van Den Berg also teaches using Polyphenylene Sulphide (PPS) as the material for the moldable material (Cf. Col 12) which material is well known to be capable of withstanding extreme temperatures and harsh chemical environments as well as bonding to itself (Cf. Col 8). Van Den Berg also teaches that the sensing element is offset (Cf. Fig 1) relative to the extension cable 120. Figure 1 shows that the offset can be approximately about 90 degrees. Van Den Berg also teaches that the sensing coil is electrically connected to the ferrules of a preform wherein a first lead is induction welded to a front ferrule and a second lead is induction to a rear ferrule (Cf. Col 8). Van Den Berg also teaches that induction heating causes solder paste and a solder ring to melt and flow over exposed conductors and fixes the conductors to the ferrules. (cf. Col 9). It would have been obvious to configure a recess to receive the sensing element if in fact Van Den Berg does not expressly teach this limitation in order to secure and maintain the sensing element in place. As applied to Claims 8 and 12 it is held that the limitations recited therein: re diameter of the molded part or the ferrules being made from brass are mere matters of design choice inasmuch as Applicants fail to solve a specific problem therewith or indicate a particular purpose therefor.

It is far from clear why the Office cannot reject each of Applicants' claims based on other similar patents to Van Den Berg. For example Pat Nos. 5,712,562; 5,818,224;

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6,072,312; 6,131,270 and 6,170,148 B1; all of which patents are by Van De Berg show all of Applicants' claimed features or in the alternative make Applicants claimed invention obvious thereover. It would assist the examination if Applicants would explain why each of these patents are not relevant or material to the claimed invention.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to C. J. Arbes whose telephone number is 571-272-4563. The examiner can normally be reached on M, T, R and F from 8 to 6.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, P. Vo, can be reached on 571-272-4690. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



C. J. Arbes
Primary Examiner
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